

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: To Be Assigned
Filing Date: To Be Assigned
Applicant: Pangerc et al
Group Art Unit: To Be Assigned
Examiner: To Be Assigned
Title: STORAGE CONTAINER
Attorney Docket: 0275Y-000713

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ☐ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were

previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☒ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:

2. ☐ English translations are provided:

3. ☒ Other:

DE3904538A1 relates to a tool box having two half shell elements pivotably connected by a hinge member.

DE7325275 relates to a tool box consisting of a plurality of container elements which are stackable with the last container element to be closed by a lid.

GM7819804 relates to a tool holder having receiving openings which comprise the same inner diameter.

G8514919 relates to a container with pivotable bit holders wherein lateral support members are provided.

G9312160 relates to a flat, block-shaped tool box with a pivotable lid to the upper side of which a label or the like is attached.

DE29518234 relates to a tool box having two half shells connected by a hinge and provided with rib-shaped support feet.

DE20117843 relates to a tool container having a first base connected to a second base through a hinge arrangement and a lid pivotably connected to the second base.

DE20119665 relates to a tool box having an upper housing element, a lower housing element, an insert, and hinges wherein the insert is provided with slide grooves and with insert openings for tool members in its front face.

DE20200089 relates to a tool container comprising a support with one or more openings for receiving tool elements.

DE20218541 relates to a tool container comprising a support with one or more openings for receiving tool elements.

DE20218541 relates to a tool box wherein the insert is displaced when the lid or upper housing element is opened.

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☐ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☒ **37 C.F.R. § 1.97(b):** (check only one box)

1. ☒ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. ☐ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required.
4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ☐ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. ☐ See the certification below. No fee is required.

C. ☐ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

- A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application

not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VI. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above identified fee.

B. ☐ Please charge Deposit Account No. 02-2548 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2548.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: 2-18-04

By: Ryan W. Massey
Ryan W. Massey
Reg. No. 38,543

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RWM/dr

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 2	ATTORNEY DOCKET NO.	SERIAL NO.
	0275Y-000713	To Be Assigned
	APPLICANT	
	Pangerc et al	
	FILING DATE	GROUP
	To Be Assigned	To Be Assigned

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		DE3904538A1	08/1990	Germany			X
2.		DE7325275	10/1973	Germany			X
3.		GM7819804	10/1978	Germany			X
4.		G8514919	08/1985	Germany			X
5.		G9312160	08/1993	Germany			X
6.		DE29518234	02/1996	Germany			X
7.		DE20117843	02/2002	Germany			X
8.		DE20119665	03/2002	Germany			X
9.		DE20200089	05/2002	Germany			X
10.		DE20218541	03/2003	Germany			X
11.		EP0316488A1	05/1989	EPO		X	
12.		EP1007291B1	10/1998	EPO		X	
13.		EP1090721A1	04/2001	EPO		X	
14.		WO 97/28931	08/1997	WIPO		X	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<p>FORM HDP-1449 (Based on Form PTO-1449)</p> <p>PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE CITATION</p> <p>(Use several sheets if necessary)</p> <p>Sheet 1 of 2</p>	ATTORNEY DOCKET NO.	SERIAL No.
	0275Y-000713	To Be Assigned
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U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		D266115	09/1982	Glenn, Sr. et al		
2.		D317380	06/1991	Snyder		
3.		D334534	04/1993	Friz et al		
4.		D431359	10/2000	Lapidus		
5.		D436441	01/2001	Lapidus		
6.		13408	04/1912	Sine		
7.		1013576	01/1912	Wermerskirchen		
8.		2403825	07/1946	Nissenbaum		
9.		2564601	08/1951	Huot		
10.		2568089	09/1951	Pendleton		
11.		2589234	03/1951	Drohman		
12.		3018876	01/1962	Huot		
13.		3074539	01/1963	Rogovin		
14.		4006821	02/1977	Sautter		
15.		4660719	04/1987	Peterson et al		
16.		4848585	07/1989	Snyder		
17.		5746316	05/1998	La Barre		
18.		5813533	09/1998	Knoblauch		

Examiner:	Date Considered:
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